

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussing, is respectfully requested.

Claims 1-8 are currently pending in this application, Claims 1, 2, 4, and 6 having been amended, and new Claim 8 having been added by the present Amendment.

In the outstanding Office Action, Claims 1-6 were rejected under 35 U.S.C. §103(a) as unpatentable over Akashi et al. (U.S. Patent No. 4,914,282, hereinafter Akashi) in view of Matsumura et al. (U.S. Patent No. 4,563,576, hereinafter Matsumura); and Claim 7 was rejected under 35 U.S.C. §103(a) as unpatentable over Akashi in view of Matsumura, and further in view of Tsuchida (U.S. Patent No. 6,163,411).

Claims 1, 2, 4, and 6 are amended to more clearly describe and distinctly claim Applicant's invention and no new matter is added. Support for new Claim 8 is found in original Claim 1, for example, and therefore no new matter is added.

Applicants respectfully traverse the outstanding ground of rejection because the outstanding Office Action fails to provide a *prima facie* case of obviousness by asserting prior art that, no matter how the prior art references are combined, does not teach every limitation of independent Claim 1.

To establish a *prima facie* case of obviousness, M.P.E.P. §2143 requires that three criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the references teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim elements.

Claim 1 is directed to an image pickup device including a first lens configured to transmit light that enters from a first direction. A second lens is configured to transmit light

that enters from a second direction, which is different from the first direction. A photoreceiving face is configured to receive light passed through said first lens and light passed through said second lens. There is light shield plate, wherein the light shield plate prevents interference between a first light flux that passes through the first lens and travels toward the photoreceiving face and a second light flux that passes through said second lens and travels toward the photoreceiving face so that said first and second light fluxes are not overlapped with each other on the photoreceiving face.

Claim 1 recites "...a photoreceiving face configured to receive light passed through said first lens and light passed through said second lens..." The combination of Akashi and Matsumura do not teach or suggest this element.

The Office Action states that Fig. 1 of Akashi shows a photoreceiving face 2 configured to receive light passed through the first lens and light passed through the second lens.<sup>1</sup> However, reference numeral 2 in Akashi identifies only a lens and not a photoreceiving face.<sup>2</sup> Furthermore, lens 2 does not receive light passed through a first lens and a second lens. The arrows in Fig. 1 show that light passes through lens 2 and then passes through first lens 3a and second lens 3b. Matsumura does not cure the deficiency in Akashi. Thus, the combination of Akashi and Matsumura do not teach or suggest the claimed "...a photoreceiving face configured to receive light passed through said first lens and light passed through said second lens..."

Claim 1 also recites "...said light shield plate prevents interference between a first light flux that passes through said first lens and travels toward said photoreceiving face and a second light flux that passes through said second lens and travels toward said photoreceiving face..." The combination of Akashi and Matsumura do not teach or suggest this element of Claim 1.

---

<sup>1</sup> Office Action, page 2.

<sup>2</sup> Akashi, col. 3, line 1.

The Office Action states that Matsumura teaches this element of Claim 1.<sup>3</sup> However, Matsumura is directed to a focus detection system for a single lens. Figure 2 shows a single object lens 10, which focus first and second light fluxes onto a shielding plate 12. Figure 2 shows the first and second light fluxes traveling in the same direction. The use of first and second lenses is not an obvious modification because as Claim 1 recites, the second lens is “configured to transmit light that enters from a second direction, which is different from said first direction.” Akashi does not cure the deficiency in Matsumura. Thus, the combination of Matsumura and Akashi do not teach or suggest “...said light shield plate prevents an interference between a first light flux that passes through said first lens and travels toward said photoreceiving face and a second light flux that passes through said second lens and travels toward said photoreceiving face....”

Finally, it is respectfully requested that the references submitted in the IDS filed July 7, 2003 and November 20, 2003 be considered on the record, and that the Examiner send the undersigned a checked off PTO-1449 form to that effect. In addition, the IDS filed August 31, 2001 was not completely acknowledged as the reference on line AA was not indicated as having been considered on the record.

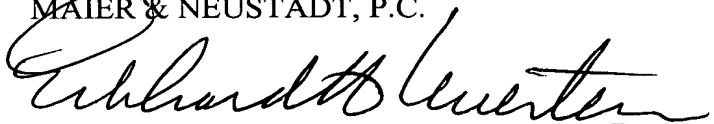
---

<sup>3</sup> Office Action, page 2.

Consequently, in view of the above amendments and comments, it is respectfully submitted that the outstanding rejection is traversed and that the pending claims are in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters  
Attorney of Record  
Registration No. 28,870

Customer Number

**22850**

I:\ATTY\JW\205405US\205405US\_AM.DOC  
Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)